THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19368 OF 2005

02.09.2005

Between

Bokka Raja Babu, S/o B.Dhana Raju

And others

…Petitioners

AND

The Nizampet Gram Panchayat rep., by its Executive Officer/

Panchayat Secretary and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19368 OF 2005

ORDER:

There are thirteen petitioners in this case. According to them, they purchased house plots in Survey Nos.261 to 266 and 219 of Nizampet village under registered sale deeds and constructed houses allegedly after obtaining permission from Gram Panchayat. They allege that on 29.08.2005, respondents 1 and 2 came to the colony known as 'Srinivasa Housing Society' with heavy machinery and demolished

hundred basement structures on an allegation that the houses are constructed in a tank bad area known as Anantakunta. However, the compound walls of the petitioners and other structures were not demolished. They also allege that the officials of respondents 1 and 2 indicated that further action for demolition would be taken. Apprehending the coercive steps, the present writ petition is filed.

The matter was called yesterday i.e.01.09.2005. This Court directed the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After getting instructions, the learned Assistant Government Pleader submits that the land in Survey Nos.261 to 266 and 219 are tank bed lands of Anantakunta as per pahanis 1999-2000 and all the constructions which have come up in the tank bed area have been demolished by the demolition squad on 29.08.2005. The allegation that the respondents demolished hundred structures is denied. However, the fact that petitioners were not given any notices is not denied.

In view of the admitted position that the respondents did not give any notice to the petitioners, this Court cannot appreciate any action on the part of the respondents for demolition of the houses and other constructions by the petitioners. It is no doubt true that construction of residential houses in the tank bed land is *per se* objectionable and in such case the competent authority has to initiate action as per law after conducting enquiry in the matter duly putting the persons in occupation of the land on notice. If so advised, it shall be open to the respondents to do so. Till then, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is accordingly disposed of.

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(V.V.S.RAO,J)

02.09.2005

pln